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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,606	09/08/2003	Mara Bagnasco	SP02-209	2525
22928	7590	05/19/2005	EXAMINER	
CORNING INCORPORATED			ROJAS, OMAR R	
SP-TI-3-1			ART UNIT	PAPER NUMBER
CORNING, NY 14831			2874	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,606

Applicant(s)

BAGNASCO ET AL.

Examiner

Omar Rojas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 and 12-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0903.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: Detailed Action.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on October 10, 2002. It is noted, however, that applicant has not filed a certified copy of the 020792354 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The prior art documents submitted by applicant in the Information Disclosure Statement(s) filed on September 8, 2003 have all been considered and made of record (note the attached copy of form(s) PTO-1449).

Specification

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claims 15-18 are objected to because of the following informalities: Claims 15-18 each include the phrase "any one of" in the preamble. This phrase appears to be superfluous and/or renders the claims grammatically incorrect. Appropriate correction is required.

5. Claim 20 is objected to because of the following informalities: Claim 20 recites precisely the same limitations as claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 9, 12-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Publication No. US 2004/0086245 A1 to Farroni et al. (hereinafter "Farroni").

Regarding claims 1-6 and 20, the invention is clearly described in paragraphs [0066] to [0069] and [0109] of Farroni,

Regarding claims 9 and 12-19, see the previous remarks and paragraphs [0063] to [0064] of Farroni.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 7-8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farroni as applied to claims 1-6, 9, 12-18, and 20 above, and further in view of Patent No. 5,881,197 to Dong et al. (hereinafter "Dong").

Regarding claims 7-8 and 21, Farroni does not expressly teach that his optical core exhibits the recited index changes when exposed to the recited doses of radiation in the absence of hydrogen loading.

It is first noted that the invention of claims 7-8 and 21 is based upon using the optical fiber examples given in Table 1 of the specification.

All the examples given in Table 1 by applicant(s) fall within the scope of Farroni in terms of germania concentration, fluorine concentration, and numerical aperture. See Farroni at paragraphs [0066] to [0069] and [0109]. Optimizing the germania and fluorine concentrations of Farroni to coincide with the examples given in Table 1 would only require routine experimentation since Farroni teaches the general concept of using germania and/or fluorine dopants in the optical fiber core.

Dong, further teaches that hydrogen loading is undesirable when producing Bragg gratings. See Dong at column 2, lines 13-18. Dong further teaches a process of writing Bragg gratings in a

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germania-doped optical fiber using radiation in the absence of hydrogen loading. Dong at column 2, lines 40-45 and column 5, lines 30-58.

Thus, by optimizing the germania and fluorine concentrations taught by Farroni and using a similar exposure technique as taught by Dong, the limitations of claims 7-8 and 21 would have been obvious to one of ordinary skill in the art at the time of the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (7:00AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number for regular and After Final communications is (703) 872-9306. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Omar Rojas', is positioned above the printed name.

Omar Rojas
Patent Examiner
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or
May 16, 2005